

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

MONICA HARTMAN

Plaintiff,

v.

SOUTHERN HILLS PROPERTY GROUP

Defendant.

FIRST BANK

Garnishee.

Case No.

4:24-CV-00285-ALM

**PLAINTIFF'S UNOPPOSED MOTION FOR JUDGMENT AGAINST GARNISHEE
AND FOR TURNOVER ORDER**

Plaintiff-Garnishor and judgment creditor Monica Hartman, through the undersigned counsel, moves for a judgment against garnishee and turnover order against Garnishee First Bank pursuant to FED. R. CIV. P. 64 and TEX. R. CIV. P. 668. Counsel for Plaintiff conferred with counsel for Garnishee, who notes that this motion is unopposed. In support thereof, Plaintiff-Garnishor states as follows:

1. The Plaintiff-Garnishor was awarded a Judgment in this Court in an action entitled *Hartman v. Southern Hills Property Group*, No. 4:22-cv-00912-ALM in the amount of Twenty-Five Thousand Five Hundred Thirty-Five Dollars and Ninety Cents (\$25,535.90) on February 28, 2024. (ECF No. 15). Judgment was entered concurrently therewith. (ECF No. 15).

2. Thereafter, the Plaintiff-Garnishor filed an Application for Writ of Garnishment in the instant Action, which was granted by the Court on May 15, 2024. (ECF Nos. 4, 5).

3. On May 28, 2024, Garnishee First Bank appeared and answered and admitted that it possessed property of the Defendant, Southern Hills Property Group, in the form of two bank accounts sufficient to pay the judgment. (ECF No. 6).

4. The Plaintiff now seeks to execute against the following property of the Defendant in the possession of First Bank, Garnishee, not exempt from attachment, execution, levy, or other seizure under either state or federal law for the satisfaction of the judgment:

- a. Business Checking Account ending in -678 with a balance of \$1,222,982.30 on May 24, 2024.

5. The amount to be entered as judgment against garnishee and turned over from the Account ending in 678 to satisfy the judgment totals **\$26,527.88**, which is calculated as follows:

- a. \$25,535.90 original judgment amount.
- b. \$314.20 in postjudgment interest pursuant to 28 U.S.C. § 1961(a).
 - i. \$314.20 interest accrued at 4.99% on the \$25,535.90 principal for 90 days resulting in interest of \$314.20, a principal of \$25,535.90, and a total value of \$25,850.10.
- c. \$605 for fees of the clerk and marshal, 28 U.S.C. §1920(1) and TEX. R. CIV. P. 677:
 - i. \$405 filing fee.
 - ii. \$200 paid to Wichita County Sheriff for service of writ upon First Bank.
- d. \$72.78 in fees and costs of the proceeding for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case, 28 U.S.C. §1920(4) and TEX. R. CIV. P. 677:
 - i. \$25.50 to obtain certified copy of underlying judgment.
 - ii. \$47.28 in copying costs and mailing costs to deliver writ to Wichita County Sheriff and Defendant's notices.

6. The Plaintiff-Garnishor therefore requests that the Court enter a judgment for the Plaintiff and against First Bank, Garnishee, in the total amount of **\$26,527.88**.

7. The Plaintiff-Garnishor further requests that the Court order Garnishee to pay out and turnover the sum of \$26,527.88 from the business checking account ending in -678 via certified check to the undersigned attorney as counsel and in trust for Plaintiff as follows:

Perrong Law LLC IOLTA Trust Account
2657 Mount Carmel Avenue
Glenside, PA 19038

WHEREFORE PREMISES CONSIDERED, Plaintiff-Garnishor requests that the Court issue an order for the Plaintiff-Garnishor have judgment against Garnishee in the amount of

\$26,527.88, inclusive of postjudgment interest and costs to satisfy the Judgment, together with all amounts set forth therein, as provided by law, together with the aforementioned turnover order ordering payment of the funds to counsel for Plaintiff in trust for Plaintiff-Garnishor, and for such other and further relief to which Garnishor may be justly entitled.

RESPECTFULLY SUBMITTED AND DATED this May 28, 2024.

/s/ Andrew Roman Perrong
Andrew Roman Perrong (E.D. Tex. # 333687PA)
Perrong Law LLC
2657 Mount Carmel Avenue
Glenside, Pennsylvania 19038
Phone: 215-225-5529 (CALL-LAW)
Facsimile: 888-329-0305
a@perronglaw.com

Attorney for Plaintiff

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff certifies that on May 28, 2023, he met and conferred with counsel for the First Bank as Garnishee as required by Local Rule CV-7(h). The motion is unopposed.

/s/ Andrew Roman Perrong
Andrew Roman Perrong (E.D. Tex. # 333687PA)
Perrong Law LLC
2657 Mount Carmel Avenue
Glenside, Pennsylvania 19038
Phone: 215-225-5529 (CALL-LAW)
Facsimile: 888-329-0305
a@perronglaw.com

CERTIFICATE OF SERVICE

Counsel for Plaintiff certifies that on May 28, 2024, he filed the foregoing via CM/ECF, which will automatically send a copy to all attorneys of record on the case. Furthermore, Plaintiff certifies that he sent a copy of the foregoing via first class mail to:

Southern Hills Property Group
700 E. Park Blvd, Suite 202
Plano, TX 75074

/s/ Andrew Roman Perrong
Andrew Roman Perrong (E.D. Tex. # 333687PA)
Perrong Law LLC
2657 Mount Carmel Avenue
Glenside, Pennsylvania 19038
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